

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

LAWRENCE L. STAPLES,)
)
Plaintiff(s),)
)
vs.) Case No. 4:08CV306 JCH
)
JOHNS MANVILLE, INC. and)
JAY HENGES ENTERPRISES, INC.,)
)
Defendant(s).)

ORDER

This matter is before the Court upon its review of the record. On July 31, 2008, the parties submitted a Joint Statement for Continued Stay Pending Reexamination of Patent-In-Suit. (Doc. No. 18). In their Joint Statement, the parties indicated that the U.S. Patent and Trademark Office (“USPTO”) granted Defendant Johns Manville’s request for *ex parte* reexamination on July 21, 2008. The parties thus request that the stay in this matter be continued until the USPTO issues a Notice of Intent to Issue *Ex Parte* Reexamination Certificate. Upon consideration, the Court will grant the parties’ request in part.

Accordingly,

IT IS HEREBY ORDERED that the stay in this action is **CONTINUED**.

IT IS FURTHER ORDERED that within ten (10) days of any action by the USPTO, or by **February 6, 2009**, whichever comes first, the parties shall file a joint statement reporting on the activity in this case, and indicating whether the stay should continue.

Dated this 6th day of August, 2008.

/s/ Jean C. Hamilton
UNITED STATES DISTRICT JUDGE